

Wetlands Bureau Decision Report

Decisions Taken
04/12/2010 to 04/18/2010

DISCLAIMER:

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

APPEAL:

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to George "Chip" Kimball, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

MAJOR IMPACT PROJECT

2009-02050 REICH REVOC TRUST, ROBERT
WOLFEBORO Back Bay Lake Winnepesaukee

Requested Action:

Applicant requests reconsideration of the Department's February 12, 2010 decision to deny the application for docking structures including a dug-in boathouse.

DENY RECONSIDERATION:

Reconsider and reaffirm decision to deny request to construct a 1600 sq ft, 3-slip, dug-in boathouse, install a 6 ft x 40 ft seasonal pier, and remove "man-made debris" from the Smith River, on property have an average of 672 ft of frontage along Lake Winnepesaukee and the Smith River.

With Findings:

Grounds for Reconsideration

1. The Applicant has submitted partial copies of a prior plan for the frontage indicating the boundaries of wetlands on a portion of the frontage.
2. The Applicant maintains that the delineation of all wetlands on this property should not be required.
3. The Applicant maintains that the presence of the foundation remnants in the location of the proposed boathouse should exempt the structure from the requirements and limits for water dependent accessory structures established under RSA 483-B and Rules Chapter Env-Wq 1400.
4. The Applicant maintains that the proposed structure will have the same size as the existing structure.
5. The Applicant cites past boathouse approvals as evidence the 900 sq ft size limit should not be applied to this proposed boathouse.
6. The Applicant argues that the size of a structure is not the same as the footprint of the structure.

Standards for Approval

1. Pursuant to RSA 482-A:3, XIV, (a), (2), Excavating and Dredging Permit; Certain Exemptions, "Any request for additional information under this subparagraph shall specify that the applicant submit such information as soon as practicable and shall notify the applicant that if the requested information is not received within 60 days of the request, the department shall deny the application."
2. Pursuant to RSA 483-B:3, Consistency Required, "I. All state agencies shall perform their responsibilities in a manner consistent with the intent of this chapter. State and local permits for work within the protected shorelands shall be issued only when consistent with the policies of this chapter. II. When the standards and practices established in this chapter conflict with other local or state laws and rules, the more stringent standard shall control."
3. In accordance with Rule Env-Wt 501.02, (a), (2), (j), Additional Data Requirements, the applicant shall submit the completed application to the department along with plans showing "the location of wetlands delineated in accordance with Env-Wt 301.01."
4. Pursuant to Rule Env-Wt 301.01, (g), Delineation of Wetlands Boundaries, any plan required by RSA 482-A that is submitted in support of an application for dredge and fill of wetlands that presents a major or minor project in accordance with Env-Wt 303.02 or Env-Wt 303.03, respectively, shall be stamped by a certified wetlands scientist when that individual prepares the plan or accompanied by a report that includes an existing conditions plan stamped by a certified wetlands scientist when another individual has prepared the plan.
5. In accordance with Rule Env-Wq 1405.03, (c), (2), Limitations on Accessory Structures within the Waterfront Buffer, accessory structures shall be "no larger than 900 square feet per structure if authorized by a permit under RSA 482-A but located on the land rather than over the public water, such as a beach or a dug-in boathouse."
6. The project is classified as a major project per Rule Env-Wt 303.02 (g), dredge of more than 20 cu yd of material from public waters.

Findings of Fact

1. On October 14, 2009, the Applicant was notified that the Bureau had received an Administratively Complete application for impacts to the jurisdiction of the Wetlands Bureau for the construction of a 1600 sq ft, 3-slip, dug-in boathouse and installation of a seasonal pier on Lake Winnepesaukee, and removal "man-made debris" from the Smith River.
2. On November 18, 2009, the Department issued a Request for More Information Letter to the Applicant requesting among other things, plans to restore ground cover vegetation to the 50 ft waterfront buffer described in RSA 483-B, a delineation of the wetlands on the property by a Certified Wetland Scientist, and that the Applicant address the 900 sq ft size limit placed on water dependent accessory structures by Rule Env-Wq 1405.03, (c), (2).
3. On January 14, 2010, the Department received a response to the Request for More Information Letter.
4. The January 14, 2010 response did not include the wetlands delineation requested by the Department. The Request for Reconsideration includes a partial plan for the property indicating that the wetlands had been delineated but that plan did not appear to have been stamped by a certified wetland scientist as required per Rule Evn-Wt 301.01, (g). Also, due to the fact that the partial plan submitted does not show the entire lot, the document fails to fulfill the requirement of Rule Env-Wt 501.02.
5. Based upon the plans submitted, the outermost structural perimeter of the proposed boathouse will measure 50 ft x 32 ft covering a total area of 1,600 sq ft.
6. The outermost structural perimeter of the remnant of the abandoned mill foundation measures 29 ft 3 in x 46 ft 6 in and covers a total area of 1,360 sq ft.
7. The proposed boathouse construction would result in a 240 sq ft increase in the size of the already over-sized structure within the waterfront buffer.
8. The Applicant states that the Department failed to meet statutory time frames for review and that in accordance with RSA 482-A:3, XIV, (b), the Department is required to refund a portion of the filing fee to the applicant.
- 9 RSA 482-A:3, XIV,(a), (3), (A), "Where the department requests additional information pursuant to subparagraph (a)(2), within 30 days of the department's receipt of a complete response to the department's information request..." the department shall "Approve or deny the application, in whole or in part..."
10. The Department denied the application on February 12, 2010, 29 days after the receipt of the response to the Request for More Information Letter.
11. The Department did not miss the deadline for rendering a decision on this application.

Ruling in Support of the Decision

1. The Department reaffirms denial on the basis that the Applicant has failed to provide a wetland delineation for the property as required per Rule Env-Wt 501.02, (a), (2), (j).
2. The pre-existing structure is abandoned and not, by definition, a water dependant structure. The structure is to be completely removed and replaced with a structure having different dimensions and serving a different function. There is no basis within RSA 483-B or Rule Chapter Env-Wq 1400 for exempting the new structure from the requirements established therein.
3. Regardless of the term used to describe the area , the new structure will cover an area 240 sq ft greater than the remnants of the old abandoned structure. The project fails to meet the requirement of Rule Env-Wq 1405.03, (c), (2). Therefore, pursuant to RSA 483-B:3, the Department cannot issue a permit for this project.
4. Of the examples of boathouses submitted by the Applicant in support of this application, all but one were approve with language specifying they would occupy 900 sq ft or less. The one boathouse occupying more than 900 sq ft was permitted prior to the adoption of the 900 sq ft limit. These examples fail to support the Applicant's argument for the approval of the proposed structure.

MINOR IMPACT PROJECT

2004-02813 DAIGLE, SALLY & ROBERT MASON
WAKEFIELD Pine River Pond

Requested Action:

Amend permit to add a natural stone buffer on top of the filtrex erosion material.

Conservation Commission/Staff Comments:

No Com Com comments by 12/20/04

Fish and Game has no concerns

APPROVE AMENDMENT:

Amend permit to read: Construct 30 ft of retaining wall and stabilize remainder of 107 ft shoreline with a combination of natural plantings to be rooted in filtrex soil and rock socks, stabilized with rocks placed in a random pattern along the filtrex, on Pine River Pond, in Wakefield.

With Conditions:

1. All work shall be in accordance with plans by Certified Erosion Control revision dated March 29, 2010, as received by the Department on April 03, 2010.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement action or revocation action if the DES later determines that these "existing structures" were not previously permitted or grandfathered.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Area shall be regraded to original contours following completion of work.
5. Rocks shall be randomly placed so as not to construct a wall or rip rap slope.
6. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

1. This is a minor impact project per Administrative Rule Wt 303.03(k), projects that disturb between 50 ft and 200 ft along the shoreline of a lake.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the proposed project on August 22, 2005. Field inspection confirmed the need for some type of stabilization along the shoreline.
6. The amendment was approved after the original approved plan failed to completely stabilize the shoreline.
7. The placement of stone on top of the existing filtrex sock will not create any new impacts.

2008-00136 PITTSFIELD, TOWN OF
PITTSFIELD Shinglemill Brook

Requested Action:

Request (after-the-fact) to amend permit to replace 104 sq. ft. of temporary impacts with 74 sq. ft. of permanent impacts.

APPROVE AMENDMENT:

Amend (after-the-fact) permit to permanently impact 246 square feet of wetlands/stream for replacement of an existing 48-inch x 30 foot culvert with a 4 foot high x 30 foot long x 8 foot wide open bottom spanning structure within Shinglemill Brook.

With Conditions:

1. All work shall be in accordance with plans by Steven E Cummings PE Civil Engineering dated November 9, 2007, as received by the Department on July 15, 2008 and revised "As-Built" plan by Schauer Environmental Consultants, L.L.C., dated January 26, 2010, as received by DES on January 28, 2010.
2. Any future work that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
3. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. No equipment shall enter the water.
6. All work shall be done from the top of the bank.
7. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow., High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
10. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
11. Native material shall be used to emulate a natural channel bottom within the culvert removal area. Any new materials used must be similar to the natural stream substrate and shall not include angular rip-rap.
12. Temporary cofferdams shall be entirely removed immediately following construction.
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

DES reaffirms findings 1 through 5.

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1); projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed structure is an improvement over the existing situation at this crossing location.

2009-02165 DION REVOC TRUST, KATHLEEN
GILFORD Lake Winnepesaukee

Requested Action:

Repair two existing breakwaters by removing small rocks and replacing with larger rocks, maintenance dredge 10 cubic yards of silt from an existing boatslip and replace an existing seasonal boatlift with a larger seasonal boatlift and increase the boathouse roof elevation to provide room for a larger boatlift.

Conservation Commission/Staff Comments:

Con Com requests normal siltation, erosion, and turbidity controls

DENY PERMIT:

Repair two existing breakwaters by removing small rocks and replacing with larger rocks, maintenance dredge 10 cubic yards of silt from an existing boatslip and replace an existing seasonal boatlift with a larger seasonal boatlift and increase the boathouse roof elevation to provide room for a larger boatlift.

With Findings:

Standards for Approval

1. In accordance with RSA 482-A:3, Excavating and Dredging Permits, "[n]o person shall excavate, remove, fill, dredge or construct any structures in or on any bank, flat, marsh, or swamp, or in an adjacent to any waters of the state without a permit from the department."
2. This project is classified as a minor impact per Rule Env-Wt 303.03(d), construction or modification of any docking system that exceeds the design and construction criteria discussed at Env-Wt 402.01 for minimum impact docks classified under Env-Wt 303.04.
3. In accordance with Env-Wt 402.03, (a), Dimensions, approvable standard dimensions for permanent docks on lakes and ponds of 1,000 acres or more shall not exceed a deck width of 6 feet and deck length of 30 feet, measured from normal high water mark.
4. In accordance with Env-Wt 101.08 "'Boathouse" means a docking facility which has a permanent roof with or without sides covering the boat slip or slips."
5. In accordance with Env-Wt 402.09, (a), Structures Disallowed, "Boathouses located in or over the waters shall not be approved."
6. In accordance with Env-Wt 402.21 Modification of Existing Structures. "The department shall not approve any change in size, location, or configuration of an existing structure unless the applicant demonstrates, and the department finds, that the modification is less environmentally-impacting or provides for fewer boat slips and less construction surface area over public submerged lands than the current configuration."

Findings of Fact

1. On July 19, 2002, the Department issued a permit to "repair a 37 ft breakwater, a 5 ft x 32 ft crib supporting a 5 ft 3 in x 35 ft pier, and a 14 ft 6 in x 35 ft boathouse, and install a seasonal boatlift in the boathouse with no work to a 30 ft 8 in x 13 ft deck and a 16 ft 4 in x 5 ft 6 in pier extending from a 35 ft x 7 ft pier on an average of 100 ft of frontage on Lake Winnepesaukee, Gilford."
2. The signature block signed by the agent on permit 2002-1319 states "My signature below certifies that: 2) plans and application materials, in this and all subsequent submissions, are complete and accurate".
3. The signature block signed by the agent on permit 2002-1319 continues with "My signature below certifies that:4) any structure which I am proposing to repair or replace was either previously permitted by the NH Wetlands Board or DES Wetlands Bureau or would be considered grandfathered (which is defined as having been in existence prior to permit authority under RSA 482-A:3, I or its predecessor statute RSA 483-A:1, I and has been installed in the same location, with the same dimensions, configuration, and construction type, and the structure has not been abandoned, which means the failure, for a period of 5 years, to maintain an existing structure in a condition so that it is functional and intact)".
4. Condition # 5 of permit 2002-1319 states "This permit to replace or repair existing structures shall not preclude the Department of Environmental Services from taking any enforcement action or revocation action if the Department of Environmental Services later determines that these "existing structures" were not previously permitted or grandfathered."
5. On September 17, 2009, the Wetlands Bureau received an application for surface water impacts on the lot identified as Gilford tax map 221, lot 23, to "Repair two existing breakwaters by removing small rocks and replacing with larger rocks, maintenance dredge 10 cubic yards of silt from an existing boatslip and replace an existing seasonal boatlift with a larger seasonal boatlift and increase the boathouse roof elevation to provide room for a larger boatlift."
6. The plan submitted with the application indicates a docking structure that is approximately 112 sq ft larger than the permitted docking structure and a roof that is approximately 207 sq ft larger than the structure permitted under previous Permit #1989-1226.
7. The information submitted with the application also indicates a permanent boatlift was installed on the frontage instead of a seasonal boatlift as permitted under Permit #2002-1319.
8. On November 19, 2009, the Department sent a Request for More Information letter stating "1. The plan submitted indicates a docking structure which exceeds the dimensions on plans in support of DES file 1989-1226. Submit information to the file indicating the permit status of the larger docking structure or submit plans indicating the docking structure reduced to the previously permitted dimensions."
9. On February 16, 2010, the Department received a response from the applicant. The response did not include permit information in support of the increase in the size of the docking structure or increase in boathouse roof area.
10. The applicant stated since Permit #2002-1319 was approved the expansion of the docking structure and boat house was approved.
11. The existing structure exceeds the dimensions as originally approved under Permit #1989-1226, and there are no permits issued for the expansion of the non-conforming docking structure and boathouse.
12. The existing docking structure, breakwaters and boathouse impact approximately 1440 sq ft and impact approximately 35 linear ft of shoreline to provide one slip on an average of 100 ft of frontage.

Rulings in Support of Denial

1. The non-conforming docking structure and boathouse over public waters were expanded without permits from the Department required pursuant to RSA 482-A:3. This application to maintain illegally constructed structures is denied.
2. The expansion of a structure which fails to meet the criteria set forth Env-Wt 402.03, Dimensions, and Env-Wt 402.09, Structures Disallowed, does not meet Rule Env-Wt 402.21, Modification of Existing Structures. Therefore, the application is denied.

2009-02510 CAMPBELL, WAYNE & BRENDA
LEE Unnamed Stream

Requested Action:

Dredge and fill a total of 7,101 sq. ft. of wetlands over 3 locations for access, grading, and parking for commercial site development, which also includes a NHDOT Park & Ride, and temporarily impact 2,072 sq. ft. of wetland to re-establish approximately 160 linear ft. of natural stream channel previously diverted in association with Route 4 road improvements.

APPROVE PERMIT:

Dredge and fill a total of 7,101 sq. ft. of wetlands over 3 locations for access, grading, and parking for commercial site development, which also includes a NHDOT Park & Ride, and temporarily impact 2,072 sq. ft. of wetland to re-establish approximately 160 linear ft. of natural stream channel previously diverted in association with Route 4 road improvements.

With Conditions:

1. All work shall be in accordance with plans by Berry Survey and Engineering dated 3/18/2010, as received by DES on 4/9/2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Area shall be regraded to original contours following completion of work.
7. The stream channel restoration component of the project shall be constructed, and shall be initially stabilized, as described in conditions 10, 11, and 12 below, prior to other site work taking place on the property. Tree and shrub plantings as described in the plans shall be installed concurrent with site development activities and protected from construction activities. The progress of the stream restoration shall be monitored by written monthly reporting to DES until DES inspection determines to the agency's satisfaction that the restoration is stable and complete.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
10. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or matting and pinning on slopes steeper than 3:1.
11. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
12. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
13. Silt fencing must be removed once the area is stabilized.
14. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), projects involving less than 20,000 square feet of alteration in the aggregate of non-tidal wetlands; or per Env-Wt 303.03 (l), projects that impact less than 200 linear feet of intermittent streams that exceed minimum impact criteria per Env-Wt 303.04 (n).

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The impacts are necessary to provide access and parking around the periphery of an existing commercial lot.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant has confined the impacts to the edges of the development, and will restore a diverted stream to its original path.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. Impacts are not expected to the wildlife species of concern reported by the NH Natural Heritage Bureau for the project vicinity, pursuant to correspondence from NH Fish & Game Department dated 8/31/2009, indicating that the species would not be located on this site.
5. The Lee Conservation Commission reported concerns regarding the timing of stabilization of the new stream channel, which has been addressed in permit conditions.

2010-00126 NEWPORT, TOWN OF
NEWPORT Tributary To Sugar River

Requested Action:

Dredge and fill 338 sq. ft. of unnamed perennial stream (a.k.a. Finnegan's Brook) and associated wetlands at Breakneck Road to replace an existing 39-in. x 42-in. x 50-ft. CMP culvert with a 4-ft. x 10-ft. x 50-ft. open bottom box culvert.

APPROVE PERMIT:

Dredge and fill 338 sq. ft. of unnamed perennial stream (a.k.a. Finnegan's Brook) and associated wetlands at Breakneck Road to replace an existing 39-in. x 42-in. x 50-ft. CMP culvert with a 4-ft. x 10-ft. x 50-ft. open bottom box culvert.

With Conditions:

1. All work shall be in accordance with plans by Larry A. Wiggins dated December 28, 2009, as received by the Department on January 19, 2010.
2. Work shall be done during low flow conditions.
3. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to wetlands and surface waters.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. There shall be no excavation or operation of construction equipment in flowing water.
8. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
9. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of twenty (20) feet of undisturbed vegetated buffer.
10. Work within the stream, inclusive of work associated with installation of a cofferdam, shall be done during periods of low flow. High flows can be caused by seasonal runoff or precipitation; the permittee shall monitor local forecasts to review weather conditions.
11. No work within the confined area shall proceed until the cofferdam is fully effective, and water flow is controlled.
12. Temporary cofferdams shall be entirely removed immediately following construction.
13. Proper headwalls shall be constructed within seven days of culvert installation.
14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
15. Materials used to emulate a natural channel bottom within the culvert, between wingwalls and beyond must be rounded and smooth stones similar to the natural stream substrate and shall not include angular riprap or gravel.
16. The recreated stream channel bed must maintain the natural and a consistent streambed elevation and not impede stream flow.

17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired prior to construction.
18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
19. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
20. Banks shall be restored to their original grades and to a stable condition within three days of completion of construction.
21. Areas from which vegetation has been cleared to gain access to the site shall be replanted with like native species.
22. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
23. The applicant shall notify the DES Wetlands Bureau in writing within twenty-four (24) hours of an erosion event resulting in sediment entering a wetland or surface water.
24. A post-construction report including photographs documenting the status of the completed construction shall be submitted to the DES Wetlands Bureau within thirty (30) days of the completion of construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(1), alteration of less than 200 linear feet of perennial stream.
2. The proposed culvert width is approximately 1.2 times the bankfull width.
3. Submitted drainage calculations confirm the road will not be overtopped during the 50-year storm.
4. Easements for work outside of the town right-of-way have been submitted.
5. No comments of concern were submitted from the NHFG Nongame and Endangered Wildlife Program, the Natural Heritage Bureau, or the Conservation Commission.
6. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
7. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
8. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

2010-00246 UNIVERSITY OF NEW HAMPSHIRE
DURHAM Durham Reservoir

Requested Action:

Impact a total of 15,986 sq. ft. of wetlands to repair existing dam, including 10,004 sq. ft. of impact associated with installation of a new drop inlet structure, and re-grading the berm of the dam to current standards; and 5,986 sq. ft. of temporary impact associated with coffer dam installation. Work will re-establish original flow path at location of drop inlet structure; previous flow path will become overflow only.

Waive Env-Wt 301.01(g)(1), requirement for wetlands delineation to be stamped by a certified wetland scientist.

APPROVE PERMIT:

Impact a total of 15,986 sq. ft. of wetlands to repair existing dam, including 10,004 sq. ft. of impact associated with installation of a new drop inlet structure, and re-grading the berm of the dam to current standards; and 5,986 sq. ft. of temporary impact associated with coffer dam installation. Work will re-establish original flow path at location of drop inlet structure; previous flow path will become overflow only.

Waive Env-Wt 301.01(g)(1), requirement for wetlands delineation to be stamped by a certified wetland scientist.

With Conditions:

1. All work shall be in accordance with plans by NHDES Dam Bureau Maintenance Section dated 3/30/2010, received by DES Wetlands Bureau on 3/30/2010.
2. The permittee shall coordinate with NH Natural Heritage Bureau ("NHB") and the NH Fish & Game Department relative to protections for plant or wildlife species of concern for species survey or drawdown timing direction, prior to work commencing, and shall coordinate at necessary intervals during construction and the permittee shall document to the permit file that the permittee has

done so. Specifically:

- a. a survey for star duckweed and Englemann's quillwort shall be done in early May prior to drawdown in coordination with NHB;
- b. if either species is observed during these survey efforts, NHB will provide guidance on steps that the permittee shall take to reduce the risk of population loss.
3. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
5. Silt fencing must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. Unconfined work within the waterbody, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
8. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
9. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
10. Temporary cofferdams and temporary access impacts shall be entirely removed immediately following construction and appropriately restored.
11. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
15. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
16. Work shall be done during drawdown.
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
18. Faulty equipment shall be repaired prior to entering jurisdictional areas.
19. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
20. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(k), projects that disturb between 50 and 200 linear ft of the shoreline of a lake or pond.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The existing dam is weeping at the dam toe; Emergency Authorization 2009-2616 was issued on 11/6/2009 to make adjustments to the granite spillway to alleviate pressure on the dam.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The proposal represents repair of the berm and replacement of old piping with a new drop inlet structure, and will return the outlet stream flow to its natural position.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. The permit is conditioned to include coordination of the DES Dam Bureau on-site with NH Natural Heritage Bureau regarding plant species of concern possible present in the Reservoir, and with NH Fish and Game Department relative to drawdown timing to limit effects on aquatic wildlife.
5. DES Staff conducted a field inspection of the proposed project on 11/6/2009 for issuance of the Emergency Authorization.
6. The Durham Conservation Commission did not report.

7. Waive Env-Wt 301.01(g)(1), requirement for wetlands delineation to be stamped by a certified wetland scientist, based on the following, pursuant to Env-Wt 204 Waivers:
- a. Granting the waiver will not result in adverse impact as described in Env-Wt 204.04(a)(1); b. The project affects a clearly evident shoreline without need for further delineation, thus meets the criteria of Env-Wt 204.04(a)(2)a.

2010-00251 CAMP BERNADETTE, GUS PLANCHET
WOLFEBORO Lake Winnepesaukee

Requested Action:

Temporarily repair damaged areas of an existing 108 feet of retaining wall to prevent injury during the summer, replace the 108 ft of retaining wall during drawdown on Lake Wentworth, in Wolfeboro.

Conservation Commission/Staff Comments:

No Con Com comments by April 09, 2010

APPROVE PERMIT:

Temporarily repair damaged areas of an existing 108 feet of retaining wall to prevent injury during the summer, replace the 108 ft of retaining wall during drawdown on Lake Wentworth, in Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Varney Engineering dated December 21, 2009, as received by DES on February 08, 2010.
2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. The applicant shall notify the Department and local Conservation Commission in writing 30 days prior to the replacement of the retaining wall.
4. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
5. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
6. Temporary cofferdams shall be entirely removed immediately following construction.
7. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
8. Repair shall maintain existing size, location and configuration.
9. The wall replacement work shall be done during drawdown.
10. This permit does not allow for equipment to operate on the lake bed or in other areas of jurisdiction.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(j), repair of existing retaining walls.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The proposal is to conduct temporary repairs for the season to prevent possible injury, and then replace the existing wall during draw down of the waterbody in the future.

MINIMUM IMPACT PROJECT

2009-02623 CONTINENTAL PAVING INC
PEMBROKE Unnamed Wetland

Requested Action:

Approve name change to Continental Paving Inc. per request received 4/12/10. Previous owner: Concord Sand & Gravel Inc.

APPROVE NAME CHANGE:

Dredge and fill 788 sq. ft. of wetlands for expansion of an existing gravel mineral extraction and processing operation.

With Conditions:

1. All work shall be in accordance with plans by Nobis Engineering, Inc., last revision date of January 29, 2010, as received by DES on February 3, 2010.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. The applicant or future lot owner(s) shall consult with the New Hampshire Fish and Game Department, Nongame and Endangered Wildlife Program and New Hampshire Natural Heritage Bureau prior to restoration of disturbed areas and future development as described on approved plan sheet C-6, site notes #18 and #19.
4. The deed which accompanies the sales transaction for each of the applicable lots shall contain condition #3 of this approval.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
10. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
11. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
15. All refueling of equipment shall occur outside of surface waters or wetlands during construction.
16. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.
17. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

2009-02829 PSNH
DERRY Unnamed Wetland

Requested Action:

Impact approximately 25 square feet of wetland for the replacement of a utility pole (Pole # 1/64).

Conservation Commission/Staff Comments:

The Derry Conservation Commission did not comment on the project.

CONFIRM EMERGENCY AUTHORIZATION:

Impact approximately 27 square feet of wetland for the replacement of a utility pole (Pole # 1/64).

With Conditions:

1. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(f).
2. The project was necessary to replace a damaged utility pole.
3. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on December 3, 2009.
4. Review of the application submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.

2009-02848

KWA LLC

NEWINGTON Unnamed Wetland

Requested Action:

Dredge 2,000 sq. ft. of wetlands to construct a filtration pond.

APPROVE PERMIT:

Dredge 2,000 sq. ft. of wetlands to construct a filtration pond.

With Conditions:

1. All work shall be in accordance with plans by Ambit Engineering Inc. dated 1/13/2010, as received by DES on 1/20/2010.
2. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
5. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The filtration pond is part of the commercial site development Alteration of Terrain Permit, which was granted on 2/4/2010.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The pond is located in a narrow finger of disturbed wetland area beyond the main body of the larger, very poorly drained wetland, thereby protecting the water quality of the larger wetland, and nearby Little Bay.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported for the project vicinity by the

NH Natural Heritage Bureau.

5. The Newington Conservation Commission strongly supports the project, as the applicant is mitigating a the Town level by granting the Town a conservation easement over an upland/wetland complex surrounding Flagstone Brook as it drains into Little Bay.

2009-03023 THOMPSON, JEFFREY & THOMAS
WINDHAM Cobbetts Pond

Requested Action:

Install a 4 ft x 45 ft seasonal dock, with a seasonal boatlift in the eastern slip, with a 8 ft x 24 ft seasonal canopy over the boat lift, on Cobbetts Pond, Windham.

Conservation Commission/Staff Comments:

Con Com has no concerns

APPROVE AFTER THE FACT:

Install a 4 ft x 45 ft seasonal dock, with a seasonal boatlift in the eastern slip, with a 8 ft x 24 ft seasonal canopy over the boat lift, on Cobbetts Pond, Windham.

With Conditions:

1. All work shall be in accordance with plans by Wetland Consulting Services dated December 04, 2009, as received by DES on December 21, 2009.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
4. Seasonal pier shall be removed from the lake for the non-boating season.
5. No portion of the pier shall extend more than 45 feet from the shoreline at full lake elevation.
6. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be designed to be removed for the non-boating season. The flexible fabric cover shall be removed during all seasons of non-use.
7. Seasonal boatlift shall be removed from the lake for the non-boating season.
8. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), construction of a seasonal dock.
2. The applicant submitted water depths from full lake elevation supporting the request for the longer dock.
3. The applicant has an average of 191 feet of shoreline frontage along Cobbetts Pond.
4. A maximum of 2 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
5. The proposed docking facility will provide 2 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.

FORESTRY NOTIFICATION

2010-00785 SCEPTRE CUSTOM HOMES LTD
LOUDON Unnamed Stream

COMPLETE NOTIFICATION:

Loudon Tax Map 58, Lot# 140

**2010-00795 USDA FOREST SERVICE, WHITE MTN NATIONAL FOREST
FRANCONIA Unnamed Stream**

COMPLETE NOTIFICATION:

Franconia/Bethlehem WMNF

**2010-00796 USDA FOREST SERVICE, WHITE MTN NATIONAL FOREST
CARROLL Unnamed Stream**

COMPLETE NOTIFICATION:

Carroll White Mtn National Forest Trestle Timber Sale

**2010-00797 USDA FOREST SERVICE, WHITE MTN NATIONAL FOREST
FRANCONIA Unnamed Stream**

COMPLETE NOTIFICATION:

Franconia White Mtn National Forest - Notchway Timber Sale

**2010-00798 FISKE, CHRISTOPHER
WAKEFIELD Unnamed Stream**

COMPLETE NOTIFICATION:

Wakefield Tax Map 100, Lot# 3

**2010-00799 POTTER, DANIEL
BENTON Unnamed Stream**

COMPLETE NOTIFICATION:

Benton Tax Map 4, Lot# 3

**2010-00818 YOUNG 1997 REVOC TRUST, BRIAN
RUMNEY Unnamed Stream**

COMPLETE NOTIFICATION:

Rumney Tax Map 11, Lot# 4-1

**2010-00819 LAMP, JAMES/LAURIE
BEDFORD Unnamed Stream**

COMPLETE NOTIFICATION:

Bedford Tax Map 13-43, lot# 5

2010-00821 SEELY, JOHN
BETHLEHEM Unnamed Stream

COMPLETE NOTIFICATION:
Bethlehem Tax Map 422, Lot# 2-1

2010-00826 SEELY, JOHN
BETHLEHEM Unnamed Stream

COMPLETE NOTIFICATION:
Bethlehem Tax MAp 422, Lot# 2

OTHER BUSINESS

2009-02796 HILLSBOROUGH, MULTIPLE OWNERS
HILLSBOROUGH Prime Wetlands

Requested Action:
Proposal to accept a single designated prime wetland in the Town of Hillsborough.

Conservation Commission/Staff Comments:
The Hillsborough Conservation Commission has submitted delineation maps, datasheets and additional materials to designate a single wetland.

OTHER:
Approve request by the Town of Hillsborough to accept designation of one (1) prime wetland consisting of the 40 acre (21 acres located in Hillsborough) Prime Wetland #2a, as shown on maps titled Prime Wetland 2a, Hillsborough, New Hampshire, as received by the DES Wetlands Bureau on November 30, 2009.

With Findings:
1. Based on review of the Town of Hillsborough's Inventory of wetlands in Hillsborough, New Hampshire & recommendations for designation of prime wetlands by Caroline Scully, dated November 2009, as received by DES November 30, 2009, and associated mapping, the
DES Wetlands Bureau has determined that the report and associated maps identifying a single wetlands as designated Prime Wetlands and the associated 100 buffer in the Town of Hillsborough comply with Administrative Rules Section Env-Wt 701, Criteria and Evaluation, and Part Env-Wt 702, Submission and RSA 482-A:15, and are therefore accepted.

EXPEDITED MINIMUM

2010-00360 JOAQUIM, JEFFREY
WINDHAM Unnamed Stream Unnamed Wetland

Requested Action:

Dredge and fill 100 square feet of palustrine forested wetland, intermittent stream to install a bridge for tractor access to the rear portion of uplands on a single-family residential lot.

Conservation Commission/Staff Comments:

The Windham Conservation Commission signed the Minimum Impact Expedited Application.

APPROVE PERMIT:

Dredge and fill 100 square feet of palustrine forested wetland, intermittent stream to install a bridge for tractor access to the rear portion of uplands on a single-family residential lot.

With Conditions:

1. All work shall be in accordance with plans received by DES on March 23, 2010.
2. DES Wetlands Bureau Southeast Regions staff shall be notified in writing prior to commencement of work and upon its completion.
3. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. Work shall be done during seasonal low flow conditions.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for any other construction related activity.
8. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of forested wetland.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

2010-00589

ADAMS, JOAN

MOULTONBOROUGH Lake Winnepesaukee

Requested Action:

Repair 22 linear feet of retaining wall in kind and repair an existing 6 ft 6 in x 24 ft cantilevered dock with a 9 ft 6 in x 9 ft 2 in cantilevered dock at the lakeward end, on Lake Winnepesaukee, in Moultonborough.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair 22 linear feet of retaining wall in kind and repair an existing 6 ft 6 in x 24 ft cantilevered dock with a 9 ft 6 in x 9 ft 2 in cantilevered dock at the lakeward end, on Lake Winnepesaukee, in Moultonborough.

With Conditions:

1. All work shall be in accordance with plans by Watermark Marine Construction dated December 24, 2009, as received by DES on March 18, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
9. Existing rocks which have fallen shall be used for repair. No additional rocks shall be brought on site.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2010-00626 PENDERGAST, WILLIAM
MEREDITH Lake Winnepesaukee

Requested Action:

Permanently remove an existing 18 ft x 12 ft dock, install a 6 ft x 40 ft seasonal dock attached to the existing ledge, accessed from a 10 ft x 10 ft landing, on Lake Winnepesaukee, Meredith.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Permanently remove an existing 18 ft x 12 ft dock, install a 6 ft x 40 ft seasonal dock attached to the existing ledge, accessed from a 10 ft x 10 ft landing, on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants dated February 20, 2010, as received by DES on March 22, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to installation.
3. The existing dock shall be completely removed prior to the installation of the proposed dock.
4. This permit does not allow for any tree removal for the installation of the landing.
5. This shall be the only structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water.
6. Seasonal pier shall be removed from the lake for the non-boating season.
7. No portion of the pier shall extend more than 40 feet from the shoreline at full lake elevation.
8. The proposed seasonal dock shall not create a navigational hazard or it will be subject to removal.
9. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the

Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(a), installation of a seasonal dock.

2010-00673 NEWTON, JOHN & CAROLYN
GILFORD Lake Winnepesaukee

Requested Action:

Repair an existing 67 linear ft of breakwater, in a dogleg configuration, with a 10 ft gap at the shoreline, and a 6 ft x 26 ft cantilevered pier accessed by a 6 ft x 29 ft walkway on an average of 100 ft of frontage on Welch Island, Lake Winnepesaukee.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair an existing 67 linear ft of breakwater, in a dogleg configuration, with a 10 ft gap at the shoreline, and a 6 ft x 26 ft cantilevered pier accessed by a 6 ft x 29 ft walkway on an average of 100 ft of frontage on Welch Island, Lake Winnepesaukee.

With Conditions:

1. All work shall be in accordance with plans by Winnepesaukee Marine Construction dated March 22, 2010, as received by DES on March 26, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. Existing rocks which have fallen shall be used for repair. No Additional Rocks.
5. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
6. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
10. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2010-00695 DEEP WATER MARINE MGMT., INC.
MEREDITH Lake Winnepesaukee

Requested Action:

Repair a major docking facility in kind with no changes in size, location or configuration on Lake Winnepesaukee, Meredith.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair a major docking facility in kind with no changes in size, location or configuration on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by DeGrace Design revision dated April 6, 2004, as received by DES on March 29, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit is valid only to repair existing previously permitted or legally existing grandfathered structures on this frontage.
5. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
6. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
10. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2010-00696 DEEP WATER MARINE MGMT., INC.
MEREDITH Lake Winnepesaukee

Requested Action:

Repair a major docking facility in kind with no changes in size, location or configuration on Lake Winnepesaukee, Meredith.

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Repair a major docking facility in kind with no changes in size, location or configuration on Lake Winnepesaukee, Meredith.

With Conditions:

1. All work shall be in accordance with plans by DeGrace Design revision dated November 08, 2001, as received by DES on March 29, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.

3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit is valid only to repair existing previously permitted or legally existing grandfathered structures on this frontage.
5. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
6. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
10. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2010-00698 BUY REVOC TRUST, JANICE
ALTON Lake Winnepesaukee

Requested Action:

Repair a 6 ft x 6 ft crib supporting 6 ft 6 in x 32 ft 2 in dock supported by two 6 ft x 6 ft cribs, connected to 15 ft 7 in x 32 ft 2 in dock supported by a 8 ft x 8 ft crib and a 6 ft x 6 ft crib and 3 piles, by a 11 ft x 6 ft walkway, with a 24 ft long permanent canopy over the center slip, on an average of 100 ft of frontage on Lake Winnepesaukee, Alton.

Conservation Commission/Staff Comments:
Con Com signed Exp Application

APPROVE PERMIT:

Repair a 6 ft x 6 ft crib supporting 6 ft 6 in x 32 ft 2 in dock supported by two 6 ft x 6 ft cribs, connected to 15 ft 7 in x 32 ft 2 in dock supported by a 8 ft x 8 ft crib and a 6 ft x 6 ft crib and 3 piles, by a 11 ft x 6 ft walkway, with a 24 ft long permanent canopy over the center slip, on an average of 100 ft of frontage on Lake Winnepesaukee, Alton.

With Conditions:

1. All work shall be in accordance with plans dated March 10, 2010, as received by DES on March 30, 2010.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. The repairs shall maintain the size, location and configuration of the pre-existing structures.
4. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
5. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
7. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
8. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.

9. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.

10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

GOLD DREDGE

2010-00827 MILLER, EUNICE
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc Bath ConCom

2010-00828 LESSARD, RONALD
(ALL TOWNS) Unnamed Stream

Conservation Commission/Staff Comments:
cc: Bath ConCom

2010-00832 MILLER, STEPHEN
(ALL TOWNS) Unnamed Stream

2010-00833 TETREAULT, SCOTT
(ALL TOWNS) Unnamed Stream

2010-00842 SOLINSKY, DENNIS
(ALL TOWNS) Unnamed Stream

2010-00848 WEBSTER, CHARLES
(ALL TOWNS) Unnamed Stream

2010-00868 ROSS, TODD
(ALL TOWNS)

Conservation Commission/Staff Comments:
cc: Bath Con Comm

LAKES-SEASONAL DOCK NOTIF

2010-00763 ILGENFRITZ TRUST, ARLENE
LOCHMERE Winnisquam Lake

COMPLETE NOTIFICATION:
Tilton Tax Map R10, Lot# 40

ROADWAY MAINTENANCE NOTIF

2010-00810 NH DEPT OF TRANSPORTATION
CONWAY Unnamed Stream

2010-00834 NH DEPT OF TRANSPORTATION
SANDWICH Unnamed Wetland

2010-00866 HANCOCK, TOWN OF
HANCOCK Unnamed Stream

2010-00867 NH DEPT OF TRANSPORTATION
CONCORD Unnamed Wetland

PERMIT BY NOTIFICATION

2010-00801 **CLASON, KURT**
GILFORD Lake Winnepesaukee

Requested Action:

Repair of existing docking structures with no change in size, location or configuration.

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Repair of existing docking structures with no change in size, location or configuration.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

2010-00846 **FERBERT, FREDERICK**
ALTON Lake Winnepesaukee

Requested Action:

Repair existing docking structures and install two PWC lifts.

Conservation Commission/Staff Comments:

Con Com signed PBN form

PBN IS COMPLETE:

Repair existing docking structures and install two PWC lifts.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

CSPA PERMIT

2009-01566 **YOUNGBLOOD REALTY TRUST II**
ALTON Lake Winnepesaukee

Requested Action:

Impact 10,574 sq ft for the purpose of constructing a new residential dwelling, associated accessory structures and installation of a new drywell and septic system.

APPROVE PERMIT:

Impact 10,574 sq ft for the purpose of constructing a new residential dwelling, associated accessory structures and installation of a new drywell and septic system.

With Conditions:

1. All work shall be in accordance with plans by Beckwith Builders, Inc., dated March 28, 2010, and received by the Department of Environmental Services ("DES") on April 9, 2010.
2. No more than 29.1% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. This permit is contingent upon receiving all necessary approvals from the NH DES Subsurface Systems Bureau.
4. The proposed stormwater management plan shall be designed, implemented and maintained to effectively infiltrate and absorb stormwater.
5. The project as proposed will leave approximately 1,297 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. There shall be no impacts to native vegetation between 50 ft and 150 ft of the reference line in order to remain compliant with RSA 483-B:9, V, (b), (2), (A), (ii).
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Silt fencing must be removed once the area is stabilized.
15. Upon completion of the proposed project, the existing septic system will pose no threat to adjacent surface waters.

2009-02654 SQUAM BYRNE LLC
MOULTONBOROUGH Squam Lake

Requested Action:

Impact 1,045 sq ft to remove and replace existing culvert.

APPROVE AMENDMENT:

Amendment Description: Move accessory structure and wooden walkway greater than 20 ft from shoreline and install a buried powerline from road to new accessory structure. Impervious surface coverage will not exceed 4 percent.

Impact 1,045 sq ft to remove and replace existing culvert.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates dated June 9, 2009 and received by the Department of Environmental Services ("DES") on August 10, 2009.
2. No more than 4% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 1,255 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 4,785 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain

in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).

4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-00567 R & L PROPERTIES
PORTSMOUTH Piscataqua River

Requested Action:

Impact 507 sq ft for the purpose of constructing a raised first level deck.

APPROVE PERMIT:

Impact 507 sq ft for the purpose of constructing a raised first level deck.

With Conditions:

1. All work shall be in accordance with plans by Altus Engineering, Inc. dated March 15, 2010 and received by the Department of Environmental Services ("DES") on March 15, 2010.
2. One hundred percent of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-00603 MCCARRON, WILLIAM
NEW CASTLE Mill Pond

Requested Action:

Impact 680 sq ft for the purpose of constructing an addition to existing structure on a non-conforming lot as well as removing shed and walkways.

APPROVE AMENDMENT:

Amendment Description: Add an additional 239 sq ft to the southwest side of house located beyond the 150 ft woodland buffer line.

Impact 680 sq ft for the purpose of constructing an addition to existing structure on a non-conforming lot as well as removing shed and walkways.

With Conditions:

1. All work shall be in accordance with plans by Ambit Engineering dated February 1, 2010 and received by the Department of Environmental Services ("DES") on March 19, 2010.
2. No more than 24.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

Requested Action:

Impact 680 sq ft for the purpose of constructing an addition to existing structure on a non-conforming lot as well as removing shed and walkways.

APPROVE AMENDMENT:

Impact 680 sq ft for the purpose of constructing an addition to existing structure on a non-conforming lot as well as removing shed and walkways.

Amendment Description: Revised engineering plans by Ambit Engineering dated March 24, 2010 will add an additional 239 sq ft to the southwest side of house located beyond the 150 ft woodland buffer line. The total impact will be 919 sq ft with the total impervious calculation at 24.8 percent.

With Conditions:

1. All work shall be in accordance with plans by Ambit Engineering dated February 1, 2010 and received by the Department of Environmental Services ("DES") on March 19, 2010.
2. No more than 24.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-00641 HART, CHARLES
DURHAM Little Bay

Requested Action:

Impact 5,451 sq ft for the purpose of constructing new house and garage, replace septic system, driveway and pavers.

APPROVE PERMIT:

Impact 5,451 sq ft for the purpose of constructing new house and garage, replace septic system, driveway and pavers.

With Conditions:

1. All work shall be in accordance with plans by Eckman Engineering, LLC dated September 16, 2009 and received by the Department of Environmental Services ("DES") on March 23, 2010.
2. No more than 13.6% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 0 (existing conditions sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 6,823 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-00661 TOOLEY, DAVID & VASILIA
PORTSMOUTH Piscataqua River

Requested Action:

Impact 450 sq ft for the purpose of replacing existing garage.

APPROVE PERMIT:

Impact 450 sq ft for the purpose of replacing existing garage.

With Conditions:

1. All work shall be in accordance with plans by Ambit Engineering dated March 16, 2010 and received by the Department of Environmental Services ("DES") on March 24, 2010.
2. No more than 75% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-00662 KEANE, DIANE
SUNAPEE Mountain View Lake

Requested Action:

Impact 133 sq ft for the purpose of building ground level pressure treated deck.

APPROVE PERMIT:

Impact 133 sq ft for the purpose of building ground level pressure treated deck.

With Conditions:

1. All work shall be in accordance with plans by Diane Keane dated March 1, 2010 and received by the Department of Environmental Services ("DES") on March 25, 2010.
2. No more than 16.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
6. Any fill used shall be clean sand, gravel, rock, or other suitable material.
7. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-00664 HARRINGTON, EDWARD
JAFFREY Gilmore Pond

Requested Action:

Impact 20,162 sq ft for the purpose of constructing driveway and two porches.

APPROVE PERMIT:

Impact 20,162 sq ft for the purpose of constructing driveway and two porches.

With Conditions:

1. All work shall be in accordance with plans by Moadnock Septic Design LLC dated September 24, 2010 and received by the Department of Environmental Services ("DES") on March 25, 2010.
2. No more than 13.86% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 12,297 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 9,401 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-00683 HANSON, WILLIAM
RYE Atlantic Ocean

Requested Action:

Impact 6,638 sq ft for the purpose of replacing existing structure, septic and other impervious areas.

APPROVE PERMIT:

Impact 6,638 sq ft for the purpose of replacing existing structure, septic and other impervious areas.

With Conditions:

1. All work shall be in accordance with plans by NHSC, Inc. dated March 1, 2010 and received by the Department of Environmental Services ("DES") on March 29, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 24.44% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-00687 DANJOU, MARC & SARAH MCKINNON
ENFIELD Mascoma River

Requested Action:

Impact 67 sq ft for the purpose of replacing existing sun porch.

APPROVE PERMIT:

Impact 67 sq ft for the purpose of replacing existing sun porch.

With Conditions:

1. All work shall be in accordance with plans by AVA Art Center dated December 22, 2010 and received by the Department of Environmental Services ("DES") on March 29, 2010.
2. No more than 7.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately N/A sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 6,073 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-00688 LITTLETON, TOWN OF
LITTLETON Ammonoosuc River

Requested Action:

Impact 4,020 sq ft for the purpose of replacing four wind anchors on a pedestrian bridge.

APPROVE PERMIT:

Impact 4,020 sq ft for the purpose of replacing four wind anchors on a pedestrian bridge.

With Conditions:

1. All work shall be in accordance with plans by Horizons Engineering dated March 1, 2010 and received by the Department of Environmental Services ("DES") on March 29, 2010.
2. No more than 17.5% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 20,000 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 20,000 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

2010-00768 LEE, ROBERT
TILTON Winnisquam Lake

Requested Action:

Impact 5,340 sq ft for the purpose of replacing existing sewer lines, tanks and pump chamber and connect to town sewer.

APPROVE PERMIT:

Impact 5,340 sq ft for the purpose of replacing existing sewer lines, tanks and pump chamber and connect to town sewer.

With Conditions:

1. All work shall be in accordance with plans by Riordon Construction dated April 1, 2010 and received by the Department of Environmental Services ("DES") on April 4, 2010.
2. No more than 23.91% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 16,500 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 16,500 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.

7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

CSPA PERMIT W/VARIANCE

2009-02353 VERHOFSTAD, JOOST
PELHAM Little Island Pond

Requested Action:

Impact 8,250 sq ft for the purpose of replacing a residential dwelling, constructing associated accessory structures, installing new drywells and a new septic system.

APPROVE PERMIT:

Impact 8,250 sq ft for the purpose of replacing a residential dwelling, constructing associated accessory structures, installing new drywells and a new septic system.

VARIANCE APPROVED: RSA 483-B:9, (V)(g)(3) is varied to allow increases in impervious area greater than 20% without having to plant additional vegetation within a partial grid segment to achieve the required tree and sapling point score.

With Conditions:

1. All work shall be in accordance with plans by Benchmark Engineering, Inc., last revised February 15, 2010 and received by the Department of Environmental Services ("DES") on March 16, 2010.
2. No more than 29.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. This permit is contingent upon receiving all necessary approvals from the DES Subsurface Systems Bureau.
4. The proposed stormwater management plan shall be designed, implemented and maintained to effectively infiltrate and absorb stormwater.
5. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
6. Upon completion of the proposed project, the submitted planting plan will be implemented to ensure that all proposed planting have a 100% survival success rate.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Silt fencing must be removed once the area is stabilized.

With Findings:

1. The applicant or their designated agent hereby requests a variance of RSA 483-B:9 V(g)(3) for the purpose of constructing a new residential dwelling on a lot that exceeds 20% impervious area without having to plant a sufficient amount of additional vegetation to meet the minimum required tree and sapling point score within a single partial grid segment.
2. The literal enforcement of the standard would result in an unnecessary hardship as the existing partial grid segment is currently a beach that several neighboring residents have deeded access to.
3. Granting the variance will not result in the diminution in the value of the surrounding properties. In fact, removal of the existing beach area would more likely diminish the value of neighboring properties.
4. Granting the variance will not be contrary to the spirit to RSA 483-B as the applicant is making a good faith effort to bring the partial grid-segment into greater conformity by planting 14.5 points worth of natural, native vegetation.
5. Granting the variance will do substantial justice as the project will provide the same or greater degree protection than those that currently existing by providing significant levels of additional vegetation within the adjacent grid segment and installing sound stormwater management techniques.

2010-00659 RYAN, JOHN
NEW LONDON Pleasant Lake

Requested Action:

Impact 210 sq ft for the purpose of constructing a new retaining wall.

APPROVE PERMIT:

Impact 210 sq ft for the purpose of constructing a new retaining wall.

With Conditions:

1. All work shall be in accordance with plans by John C. Ryan received by the Department of Environmental Services ("DES") on March 24, 2010.
2. No more than 31.58% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. There shall be no impacts to native vegetation or natural ground cover within 50 feet of the reference line associated with this project.
4. The project as proposed will leave approximately 795 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. There shall be no impacts to native vegetation between 50' and 150' of the reference line associated with the proposed project in order to comply with RSA 483-B:9, V, (b), (2), (A), (ii).
5. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
7. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Silt fencing must be removed once the area is stabilized.

CSPA PERMIT W/WAIVER

2010-00015 COLONY 2003 TRUST, GEORGE & ANN
HARRISVILLE Silver Lake

Requested Action:

Impact 15,750 sq ft for the purpose of constructing new residential dwelling and associated accessory structures.

DENY PERMIT:

Impact 15,750 sq ft for the purpose of constructing new residential dwelling and associated accessory structures.

With Findings:

This decision was determined based on the following findings:

Standards for Approval

1. Pursuant to RSA 483-B:3, Consistency Required, "State and local permits shall be issued only when consistent with the policies of this chapter."
2. Pursuant to RSA 483-B:11, II, "When reviewing requests for the redevelopment of sites that contain nonconforming structures or any expansions of nonconforming structures the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to public waters."
3. In accordance with 483-B:9, II, (b), Minimum Shoreland Protection Standards, within the protected shoreland primary structures shall be set back behind the primary building line which is 50 feet from the reference line.

Findings of Fact

1. The Applicant is the owner of a lot located within the protected shoreland of Silver Lake, more specifically, identified as Harrisville tax map 71, lot 5 (the "Property")
2. The existing residential dwelling is located approximately 15 ft from the reference line and is, therefore, a non-conforming structure.
3. On January 6, 2010, the Department of Environmental Services received a request for a waiver of RSA 483-B:9, II(b) in order to completely raze and remove the existing residential dwelling and replace it with a new, larger residential dwelling.
4. The project as proposed would result in a completely new, larger structure that would fail to meet the 50 ft primary building setback.
5. The property is of sufficient size and topography to accommodate a larger primary structure that conforms with the 50 foot primary structure setback.

Ruling in Support of the Decision

1. The issuance of a waiver to raze an existing nonconforming structure and allow a completely new, larger structure within the 50 foot primary building setback on a lot that could support a conforming structure of similar dimensions to that being proposed, would not consistent with the intent of RSA 483-B:9(II)(b), and, would not be permissible under RSA 483-B:3.
2. In accordance with RSA 483-B:3, the request for a permit including a waiver of RSA 483-B:9 is denied.

2010-00260 LEBANON PLAZA ASSOCIATES, C/O WILLIAM H MCCABE III
WEST LEBANON Mascoma River

Requested Action:

Impact 96,384 sq ft for the purpose of redeveloping a commercial lot.

APPROVE PERMIT:

Impact 96,384 sq ft for the purpose of redeveloping a commercial lot.

WAIVERS APPROVED: RSA 483-B:9, V(g)(1) is waived to allow the expansion of a primary structure on a lot within the protected shoreland that exceeds 30% impervious surface coverage. RSA 483-B:9, (V)(b)(2)(A)(ii) waived to allow an unaltered area of the natural woodland buffer to be further impacted.

With Conditions:

1. All work shall be in accordance with plans by Gove Environmental, Inc., dated February 8, 2010 and received by the Department of Environmental Services ("DES") on February 16, 2010.
2. This approval includes a waivers of RSA 483-B:9, V(g)(1) and RSA 483-B:9, (V)(b)(2)(A)(ii) and, therefore, shall not be effective until it has been recorded at the appropriate Registry of Deeds and a copy of the recorded waiver is sent to the department by certified mail, return receipt requested.
3. No more than 63.2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the Alteration of Terrain Program.
5. The proposed stormwater management plan shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
6. All pervious technologies used shall be designed, installed and maintained to effectively absorb and infiltrate stormwater.
7. The proposed planting plan shall be implemented to ensure the plantings have a 100% success rate.
8. The project as proposed will leave approximately 4,841 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state.
9. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on areas determined to remain in an unaltered state.
10. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
11. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
12. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
13. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
14. Any fill used shall be clean sand, gravel, rock, or other suitable material.
15. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
16. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
17. Silt fencing must be removed once the area is stabilized.

With Findings:

WAIVER APPROVED:

1. The existing non-conforming structure is located on a lot that exceeds 30% impervious surface coverage within the protected shoreland adjacent to the Mascoma River and, therefore, fails to conform to the impervious surface limitation set forth in RSA 483-B:9, V (g)(1), of the CSPA.

2. The redevelopment of this commercial lot that will disrupt and unaltered area of the natural woodland buffer that does not currently meet the minimum requirement of RSA 483-B:9 V(b)2(A)ii.
3. In accordance with RSA 483-B:11, II, the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters and the proposal is "more nearly conforming."
4. The applicant has proposed to restore 1,183 sq ft of the waterfront buffer with natural, native vegetation.
5. The applicant has proposed to install stormwater controls capable of infiltrating all stormwater on-site.
6. The applicant has proposed to achieve a greater setback from the reference line.
7. The applicant has proposed to reduce the overall area of imperviousness within the protected shoreland by 1.2%.
8. The applicant has proposed to remove an antiquated septic system from the subject lot.
9. The applicant has proposed to install stormwater controls, significantly enhance the waterfront buffer and reduce the total amount of impervious surface coverage within the protected shoreland, and therefore, meets the requirements for a waiver of RSA 483-B:9 as described in RSA 483-B: 11, I.
10. Env-Wq 1405.03(c) and Env-Wq 1405.05 is waived to allow construction of an accessory structure on a slope within the waterfront buffer greater than 45% and larger in total size than the 325.93 sq ft limitation.
11. The proposed entrance way will be located on a slope that exceeds 45% and is 102.87 sq ft greater than the established size limitation for this lot and, therefore, fails to conform to the slope restriction set forth in Rule Env-Wq 1405.05 and the accessory structure size limitation per Rule Env-Wq 1405.03(c)(1).
12. Granting the rule waiver request will not result in an adverse effect to the environment or natural resources of the state, public health, or public safety.
13. Granting the request will not result in an impact on abutting properties that is more significant than that which would result from complying with the rule.
14. Granting the request is consistent with the intent and purpose of the rule being waived.
15. The applicant's proposal will significantly enhance the overall conditions of the subject lot as additional native vegetation will be planted to enhance the existing vegetated buffers, a sound stormwater management system will be installed and existing antiquated septic system is proposed to be removed.

UTILITY NOTIFICATION

2010-00601 NE POWER, NATIONAL GRID
PELHAM Unnamed Wetland

2010-00602 NE POWER, NATIONAL GRID
WINDHAM Unnamed Wetland